

**Notice of Allowability**

Application No.

10/065,283

Applicant(s)

BRAUN ET AL.

Examiner

Art Unit

Luke Osborne

2123

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/17/05.
2. ☒ The allowed claim(s) is/are 1,3-7,13-17,19 and 21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>11/3/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                              | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/17/2005 has been entered, Claims 1-9, 11-21 have been presented for reconsideration..

## **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with George MacDonald (39,284) on 3/1/2006.

3. The application has been amended as follows:

Claim 1 has been replaced with

- 1. A method for identifying an acceptable version of a form comprising:  
initializing a pointing instrument having a form version database,

wherein the form version database includes form identification data including a form type identifier and a version number;

determining if the form version database must be updated;

providing an indication to a user if the form version database must be updated;

obtaining form version data from the form;

determining whether the form is an acceptable version using the form version database and the form version data by using the form type identifier and

providing an indication to the user if the form is not an acceptable version;

processing pointing instrument input data obtained by using the pointing instrument with the form only if the form is an acceptable version.--

Claim 2 has been cancelled.

Claim 3 line 1, the phrase "of claim 2" was changed to --of claim 1--.

Claim 4 line 1, the phrase "of claim 2" was changed to --of claim 1--.

Claim 5 line 1, the phrase "of claim 2" was changed to --of claim 1--.

Claim 8 has been cancelled.

Claim 9 has been cancelled.

Claim 11 has been cancelled.

Claim 12 has been cancelled.

Claim 14 line 1, the phrase "of claim 2" was changed to --of claim 1--.

Claim 15 line 1, the phrase "of claim 2" was changed to --of claim 1--.

Claim 16 line 1, the phrase "of claim 2" was changed to --of claim 1--.

Claim 17 has been replaced with

-- 17. A method for authorizing the use of a version of a form comprising:

initializing a pointing instrument having a form version database, wherein the form version database includes form identification data including a form type identifier and a version number;

determining if the form version database must be updated;

authenticating a user of the pointing instrument;

obtaining form version data from the form;

determining whether the form is an acceptable version using the form version database and the form version data by using the form type identifier and the version number;

providing an indication to a user if the form version database must be updated;

determining whether the user is an authorized user of the form version using the form version database;

providing an indication to the user if the form is not an acceptable version;

processing pointing instrument input data obtained by using the pointing instrument with the form only if the form is an acceptable version and the user is authenticated

wherein the pointing instrument is a digital pen and the form is printed on paper.--

Claim 18 has been cancelled.

Claim 19 line 1, the phrase "of claim 18" was changed to --of claim 17--.

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Claim 20 has been cancelled.

Claim 21 line 3, the phrase "determining id the form" was changed to --  
determining if the form--.

***Examiners Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

While Rhoads et al. (U.S. PgPub 2002/0006212) discloses a method and system to identify a printed document and Ericson, Petter (U.S. Patent 6,666,376) teaches a digital pen and the use thereof neither of these reference(s) taken either alone or in combination disclose a digital pen identifying an acceptable version of a paper form, specifically including:

(claims 1 and 17) "initializing a pointing instrument having a form version database, wherein the form version database includes from identification data including a form type identifier and a version number", followed by "determining if the form version database must be updated",

Further, the Examiner notes that if each piece is taken separately it may be found in the prior art, however, the Examiner cannot find motivation to combine the limitations presented. It is for these reasons that the applicant's invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Osborne whose telephone number is (571) 272-4027. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul L. Rodriguez can be reached on (571) 272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LRO

  
Paul L. Rodriguez 3/6/06  
Primary Examiner  
Art Unit 2125